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September 30, 2021

The Honorable Allison D. Burroughs
United States District Court for the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: *Astellas Institute for Regenerative Medicine, et al. v. ImStem Biotechnology, Inc., et al.*,
C.A. No. 1:17-12239-ADB

Dear Judge Burroughs:

We write on behalf of Defendant ImStem in response to Plaintiff Astellas's letter of September 27, 2021.

On September 9, 2021, ImStem submitted a letter intended simply to notify the Court that ImStem's Canadian patent had been allowed (and is expected to be issued within a matter of weeks), and to explain how this development bears on the pending arguments regarding Astellas's Motion for Entry of Proposed Judgment. D.I. 274.

Astellas's September 27, 2021, letter repeats, for a third time, its substantive arguments in support of its motion, and mischaracterizes ImStem's motives regarding this case, ImStem's inventions, and ImStem's patent rights. D.I. 275.

ImStem disagrees with Astellas's rhetoric: Allowance of the Canadian patent—a patent that exists under the laws of Canada, was never adjudicated by this Court, and is not identical to the patents that were before this Court—does not evidence “egregious, unfair conduct” by ImStem. D.I. 275 at 2. As to the other points in ImStem's letter, both ImStem and Astellas have extensively briefed the issues surrounding Astellas's Motion for Entry of Proposed Judgment, *see* D.I. 261, 265, 268, 272, and ImStem is prepared to present oral argument should the Court find that helpful.

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Respectfully submitted,

/s/ Sanford I. Weisburst

Sanford I. Weisburst

cc: Counsel of record (via CM/ECF)